

21 LINDA MILLER SAVITT, SBN 094164
PHILIP L. REZNIK, SBN 204590
22 BALLARD, ROSENBERG, GOLPER & SAVITT LLP
500 North Brand Boulevard
23 Twentieth Floor
Glendale, CA 91203-9946
24 Telephone: 818-508-3700
Facsimile: 818-506-4827

(SPACE BELOW FOR FILING STAMP ONLY)

25 LAWRENCE A. MICHAELS, SBN: 107260
26 MITCHELL SILBERBERG & KNUPP
11377 W. Olympic Blvd.
27 Los Angeles, CA 90064
Tel: (310) 312-2000 Fax: (310) 312-3100

28 CAROL A. HUMISTON, SBN: 115592
Senior Assistant City Attorney
City of Burbank
275 E. Olive Avenue
Burbank, CA 91510
Tel: (818) 238-5707 Fax: (818) 238-5724

Attorneys for Defendant
CITY OF BURBANK, including the Police
Department of the City of Burbank

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-
GOMEZ; STEVE KARAGIOSIAN;
ELFEGO RODRIGUEZ; AND JAMAL
CHILDS,

Plaintiffs,

-VS-

BURBANK POLICE DEPARTMENT;
CITY OF BURBANK; TIM STEHR;
KERRY SCHILF; JAMIE "J.J." PUGLISI;
DAN YADON; KELLY FRANK; PAT
LYNCH; MIKE PARRINELLO; AARON
KENDRICK; DARIN RYBURN; AND
DOES 1 THROUGH 100, INCLUSIVE.

Defendants.

CASE NO: BC 414602

[Assigned to Hon. Joanne O'Donnell,
Dept. 37]

**DEFENDANT'S REPLY IN
SUPPORT OF MOTION *IN LIMINE*
NO. 10 TO EXCLUDE (A)
EVIDENCE OR ARGUMENT RE
OFFICER BEING NICKNAMED
"HITLER"; AND (B) TESTIMONY
OF BRUCE SLOR RE:
RACIAL/ETHNIC SLURS**

Trial Date: June 8, 2011 (Pltf. Karagiosian)
Discovery Referee: The Hon., Diane Wayne, Ret.

Action filed: May 28, 2009

In his Opposition, Plaintiff does not even *attempt* to make an offer of proof as to how
a supervisor referring to a particular officer with the nickname "Hitler" would in any way be

21 probative of his claims of ethnic harassment, let alone that it would be sufficiently probative
22 to outweigh the obvious prejudice it would generate against Burbank. Nor is there any
23 discussion of the specifics of Burbank's arguments in its moving papers regarding the lack
24 of probative value of the Slor testimony in question, the prejudice it would cause and the time
25 that would be wasted if such evidence is allowed in. Specifically:

- 26 a. Plaintiff does *not* dispute, and thus concedes, that the terms "zog", "towel
27 head" or "armo" were never directed at, or made in reference to, Plaintiff or in
28 Plaintiff's presence; and
- b. Plaintiff does *not* dispute, and thus concedes, that there is no evidence that the
comments Slor heard were reported to, or made in front of, supervisory
personnel or, if they were, that the person making the comment was not
admonished or disciplined, and he does not even *attempt* to make an offer of
proof as to how these comments by unknown officers at an unknown time and
in an unknown context are in any way show that Burbank knew or should have
known that the comments were made.

As Plaintiff has made no showing as to how the evidence at issue might be sufficiently
probative as to his claims of harassment so as to overcome the obvious inflammatory affect
they would have if mentioned before the jury, the Court should grant Burbank's Motion *in*
Limine no. 10.

DATED: June 6, 2011

BALLARD ROSENBERG GOLPER & SAVITT, LLP

By: 

PHILIP L. REZNIK

Attorneys for Defendant
CITY OF BURBANK, including the Police Department
of the City of Burbank

PROOF OF SERVICE

I am a citizen of the United States, and am employed in the County of Los Angeles in the office of a member of the bar of this Court at whose directions this service was made. I am over the age of 18, and not a party to the within action. My business address is Ballard, Rosenberg, Golper & Savitt, 500 North Brand Boulevard, Twentieth Floor, Glendale, California 91203-9946.

On June 6, 2011, I served the foregoing document described as: **DEFENDANT'S REPLY IN SUPPORT OF MOTION *IN LIMINE* NO. 10 TO EXCLUDE (A) EVIDENCE OR ARGUMENT RE OFFICER BEING NICKNAMED "HITLER"; AND (B) TESTIMONY OF BRUCE SLOR RE: RACIAL/ETHNIC SLURS**

on the interested parties in this action, by placing a true copy thereof in a sealed envelope addressed as follows:

Solomon E. Gresen, Esq.
Steven V. Rheuban, Esq.
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, CA 91436
Tel: (818) 815.2727
Fax: (818) 815-2737
seg@rglawyers.com
Attorneys for Plaintiffs

VIA FACSIMILE; and

X

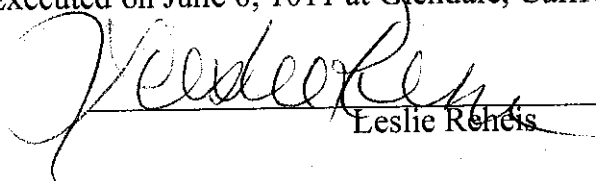
(BY FEDEX) I am "readily familiar" with the firm's practice of collection and processing correspondence for delivery by Federal Express. Under that practice, in the ordinary course of business, it would be deposited with Federal Express on that same day with directions for next day delivery, with the Federal Express fees guaranteed to be paid by Ballard, Rosenberg, Golper & Savitt, LLP.

X

(BY ELECTRONIC MAIL) I sent the above-mentioned documents via electronic mail addressed as set forth above.

(BY PERSONAL SERVICE) I delivered such envelope(s) by hand to the above-addressee(s).

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on June 6, 2011 at Glendale, California.


Leslie Rencis